

WILLMAR CITY COUNCIL PROCEEDINGS
BOARD ROOM
HEALTH AND HUMAN SERVICES BUILDING
WILLMAR, MINNESOTA

November 1, 2021
6:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Julie Asmus, Michael O'Brien, Justin Ask, Vicki Davis, Andrew Plowman, and Audrey Nelsen. Present 8, Absent 1. Council Member Thomas Butterfield was excused from the meeting.

Also present were City Administrator Leslie Valiant, Police Chief Jim Felt, Parks and Recreation Director Rob Baumgart, Fire Chief Frank Hanson, Planning and Development Services Director Justice Walker, Interim Public Works Director Gary Manzer, Human Resource Director LuAnn Sietsema, City Clerk Judy Thompson, and City Attorney Robert Scott.

The following additions/deletions were made to the agenda: Council Member Plowman asked that Agenda Item #14 – Consideration of Environmental Services and Operations for the Auditorium Gun Range, be moved up on the agenda to accommodate members of the public present at the meeting.

Council Member Fagerlie moved to approve the agenda, as amended. Council Member Ask seconded the motion which carried, unanimously.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of October 18, 2021
- B. Willmar Municipal Utilities Commission Minutes of October 25, 2021
- C. Park and Recreation Board Minutes of October 20, 2021
- D. Appointment to Municipal Utilities Commission – Dave Baumgart
- E. Accounts Payable Report for October 14 – 27, 2021
- ~~F. Block 25 Minor Subdivision Application~~
- G. **Resolution No. 2021-214 AEHN, LLC – Suite Liv'n Minor Subdivision Application**
- H. **Resolution No. 2021-215 Renewal of Master Joint Powers Agreement with the MN Bureau of Criminal Apprehension and Minnesota Court Amendment Agreement**
- ~~I. Designation of New Polling Place~~
- J. **Resolution No. 2021-216 Certification of Unpaid Utility Charges as a Lien**
- ~~K. Accept Project No. 2001-A (9th Street SE Reconstruction from Willmar Avenue to Pleasant View Drive) and Authorize Final Payment~~
- L. **Resolution No. 2021-217 Accept Project No. 2003-A (1st Street Overlay MNTH 23 to 19th Avenue) and Authorize Final Payment**
- M. Application for Exempt Permit – Willmar Hockey Association
- N. Human Rights Commission Minutes of June 15, 2021
- O. CVB Minutes of September 21, 2021
- P. Charter Commission Minutes of October 18, 2021

Council Member Plowman offered a motion to introduce **Resolution No. 2021-213 Approving Consent Agenda Items**. Council Member Fagerlie asked that Items F. and I. be pulled for discussion. Council Member Nelsen asked that Item K. be pulled for discussion. Council Member Fagerlie seconded the motion to approve the consent agenda, with the removal of Items F., I., and K. which carried, on a roll call vote of Ayes 7, Noes 0.

Council Member Fagerlie stated Council Member Nelsen's desire to abstain from voting on Item F., and offered a motion to approve Item F., and introduced **Resolution No. 2021-218 Approving the Minor Subdivision of Block 25**. Council Member Davis seconded the motion which carried, on a roll call vote of Ayes 6, Noes 0. Council Member Nelsen abstained from voting.

Council Member Fagerlie asked for clarification on the change of polling place.

City Clerk Thompson stated the current polling place (Redeemer Church) for Ward 4, Precinct 3 notified her of the unavailability of their location for future elections. She met with representatives from First Covenant Church and they agreed to serve as the polling location for Ward 4, Precinct 3 for future elections.

Following clarification, Council Member Fagerlie offered a motion to approve Item I., and introduced **Resolution No. 2021-219 Establishing a New Polling Place for Ward 4, Precinct 3 in the City of Willmar.** Council Member Nelsen seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Council Member Nelsen asked if the final payment would include grass seeding being completed on 9th Street SE.

Bolton and Menk Engineer Jared Voge stated the specifications of the project require the turf be of uniform growth. If there is a specific area that needs to be addressed, the final payment could be issued at this time and the remaining grass seeding concerns could be identified as warranty work.

Following discussion, Council Member Nelsen offered a motion to approve Item K., identify the specific areas of concern as warranty work and introduced **Resolution No. 2021-220 Accepting Project No 2001-A and Authorizing Final Payment.** Council Member Plowman seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Jim Anderson, Willmar, addressed the Mayor and Council during the Open Forum. Mr. Anderson expressed his support of keeping the gun range at the City Auditorium.

Gary Peterson, Willmar, addressed the Mayor and Council during the Open Forum. Mr. Peterson expressed his support of keeping the gun range at the City Auditorium.

At 6:20 p.m. Mayor Calvin opened the public hearing for ordinance amending Section 2.12 of the Charter of the City of Willmar. It was noted all members of the Council must be present to vote on a Charter amendment.

City Charter Vice Chair Richard Engan provided pertinent information regarding said amendment to the City Charter.

Due to the fact all members were not present, Mayor Calvin recessed the hearing at 6:22 p.m. upon motion by Council Member Nelsen. Council Member Asmus seconded the motion which carried unanimously.

At 6:23 p.m. Mayor Calvin opened the public hearing for ordinance amending Section 5.02 of the Charter of the City of Willmar. It was again noted all members of the Council must be present to vote on a Charter amendment.

City Charter Vice Chair Richard Engan provided pertinent information regarding said amendment to the City Charter.

Due to the fact all members were not present, Mayor Calvin recessed the hearing at 6:24 p.m. upon motion by Council Member Nelsen. Council Member Asmus seconded the motion which carried unanimously.

At 6:25 p.m. Mayor Calvin opened the public hearing to approve Block 25 Tax Increment Financing (TIF) Plan.

Baker Tilly Representative Mikaela Huot provided pertinent information to the Mayor and Council.

There being no one present to speak for or against said TIF plan, Mayor Calvin closed the public hearing at 6:31 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Asmus introduced **Resolution No. 2021-221 Approving the Establishment of Tax Increment Financing (Redevelopment) District – Block 25 Redevelopment Project Within Municipal Development District No. II; and Adoption of the Tax Increment Financing Plan Relating Thereto.** Council Member Fagerlie seconded the motion which carried, on a roll call vote of Ayes 6, Noes 0. Council Member Nelsen abstained from voting.

At 6:34 p.m. Mayor Calvin opened the public hearing for an ordinance rezoning 4.1 acres from Government Institution to Agriculture. City Planner Kayode Adiatu presented pertinent information regarding said rezone request received from Willmar Poultry.

There being no one present to speak for or against said ordinance, Mayor Calvin closed the public hearing at 6:35 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Fagerlie offered a motion to adopt, assign a number, and publish **Ordinance No. 1472 An Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance.** Council Member Nelsen seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

At 6:36 p.m. Mayor Calvin opened the public hearing for an ordinance authorizing land sale to Willmar Poultry. City Administrator Valiant presented pertinent information regarding said land sale.

There being no one present to speak for or against said ordinance, Mayor Calvin closed the public hearing at 6:37 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Asmus offered a motion to adopt, assign a number, and publish **Ordinance No. 1473 An Ordinance Authorizing the Sale of Real Property to Willmar Poultry Innovations, LLC.** Council Member O'Brien seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Due to the length and cost of publishing entire ordinance, Council Member Asmus offered a motion to publish the Ordinance Authorizing the Sale of Real Property to Willmar Poultry Innovations, LLC. by summary. Council Member Ask seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Resolution No. 2021-222 Adopting the Land Purchase Agreement with Willmar Poultry Innovations, LLC was introduced by Council Member Ask. Council Member Asmus seconded the motion which carried on a roll call vote of Ayes 7, Noes 0.

Interim Public Works Director Manzer presented a request to accept the Parks and Recreation Board's recommendation to close the auditorium gun range. He stated with the recent changes in EPA and HUD standards of lead, and the increasing costs to clean and maintain the gun range, the Parks and Recreation Board recommends closing the auditorium gun range.

Following a lengthy discussion, Council Member Nelsen offered a motion to approve the Parks and Recreation Board's recommendation to close the auditorium gun range. Council Member Asmus seconded the motion which carried. Council Member Plowman voted "no".

Willmar Municipal Utilities (WMU) General Manager John Harren and Finance & Office Services Supervisor Andrea Prekker presented the 2022 WMU budget and 10-year Capital Improvement Plan.

Main Street Coordinator/Planner Willard Huyck presented a request to authorize the City to make \$566,600 in deferred payments to Willmar Municipal Utilities between 2022 and 2023 to reimburse the purchase of downtown streetlights.

Following discussion, Council Member Davis introduced **Resolution No. 2021-223 Approval of Funding for Downtown Streetlight Replacement.** Council Member Plowman seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Human Resource Director Siestsema presented a request to approve entering into a contract with Amber Silva to facilitate an Employee Wellness Program for the City.

Resolution No. 2021-224 Authorization to Execute Agreement with Amber Silva for Workplace Wellness Program was introduced by Council Member Nelsen. Council Member Davis seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

City Clerk Thompson presented a request to set a public hearing for 6:01 p.m. on November 15, 2021 for the special assessment hearing for unpaid false alarm charges against property located at 1112 Lake Avenue NW in Willmar.

Council Member Fagerlie offered a motion to approve staff's recommendation. Council Member Asmus seconded the motion which carried, unanimously.

Mayor Calvin recessed the meeting at 7:43 p.m.

Mayor Calvin reconvened the meeting at 7:50 p.m.

Council Member Butterfield arrived at the meeting at 7:50 p.m.

Council Member Plowman offered a motion to reconsider continuing the hearing for ordinance amending Section 2.12 of the City Charter. Council Member Ask seconded the motion which carried.

Mayor Calvin closed the public hearing and opened it up for discussion by the Council. Following discussion, Council Member Asmus offered a motion to adopt, assign a number, and publish **Ordinance No. 1474 An Ordinance Amending the Charter of the City of Willmar**. Council Member Ask seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Council Member Plowman offered a motion to reconsider continuing the hearing for ordinance amending Section 5.02 of the City Charter. Council Member Ask seconded the motion which carried.

Mayor Calvin closed the public hearing and opened it up for discussion by the Council. Following discussion, Council Member Ask offered a motion to adopt, assign a number, and publish an **Ordinance Amending the Charter of the City of Willmar**. Council Member Plowman seconded the motion which failed, on a roll call vote of Ayes 5, Noes 3. Council Members Fagerlie, Butterfield, and O'Brien voted "no".

Mayor Calvin stated the next agenda item will be to enter into a closed session pursuant to Minnesota Statute 13D.05, subd. 3(c) to determine the asking price and/or consider offers or counteroffers for the sale of real property.

The Council entered closed session at 8:13 p.m. upon motion by Council Member Fagerlie. Council Member Asmus seconded the motion which carried.

At 8:26 p.m. the Council returned to open session upon motion by Council Member Fagerlie. Council Member Asmus seconded the motion which carried.

Council Member Nelsen offered a motion to adjourn the meeting with Council Member Fagerlie seconding the motion which carried. The meeting adjourned at 8:27 p.m.

/s/ Marv Calvin
MAYOR

Attest:

/s/ Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 2021-213
APPROVING CONSENT AGENDA ITEMS

Motion By: Plowman Second By: Fagerlie

WHEREAS, the City Charter for the City of Willmar requires the City Council approve all Consent Agenda items by resolution.

BE IT RESOLVED by the City Council of the City of Willmar Minnesota, that all Consent Items of the November 1, 2021 City Council meeting be approved as presented.

Dated 1st day of November, 2021

/s/ Marv Calvin
MAYOR

Attest:

/s/ Judy Thompson
CITY CLERK

RESOLUTION NO. 2021-214
AEHN LLC
MINOR SUBDIVISION APPROVAL

Motion By: Plowman Second By: Fagerlie

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the AEHN LLC Minor Subdivision be approved with the following conditions:

- A. All Fire Chief/Marshall and Engineering comments shall be met, adhered to, and additional information supplied as requested.
- B. The separate access agreement shall be made in a recordable form and recorded by the City.

Dated this 1st day of November, 2021

/s/ Marv Calvin
MAYOR

Attest:

/s/ Judy Thompson
CITY CLERK

RESOLUTION NO. 2021-215

**RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF
WILLMAR ON BEHALF OF ITS CITY ATTORNEY AND POLICE DEPARTMENT**

Motion By: Plowman

Second By: Fagerlie

WHEREAS, the City of Willmar on behalf of its Prosecuting Attorney and Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of W on behalf of its Prosecuting Attorney and Police Department, are hereby approved.
2. That the Police Chief-, James Felt, or his or her successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
3. That the Anderson Law Offices, Thomas Anderson, or his or her successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
4. That Marv Calvin-, the Mayor for the City of Willmar, and Leslie Valiant, the City Administrator, are authorized to sign the State of Minnesota Joint Powers Agreements.

Passed and Adopted by the Council on this 1st day of November, 2021

CITY OF WILLMAR

/s/ Marv Calvin
By: Marv Calvin
Its Mayor

ATTEST: /s/ Judy Thompson
By: Judy Thompson
Its City Clerk

RESOLUTION NO. 2021-216

**RESOLUTION APPROVING UNPAID UTILITY CHARGES BE CERTIFIED
AGAINST THE REAL PROPERTY**

Motion By: Plowman Second By: Fagerlie

WHEREAS, Section 16-127 of the Willmar City Code states that such unpaid utility bills represent a lien on the real property receiving utility services; and

WHEREAS, the Willmar Municipal Utilities Commission has offered the owner the right to request an appearance before the Commission to make objections to payment; and

WHEREAS, the Willmar Municipal Utilities Commission has adopted Resolution No. 54 on October 11, 2021, requesting the Willmar City Clerk to certify the unpaid utility charges as a lien on the real property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid utility charges totaling \$33,690.78 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2022 and collected by the County Treasurer, and paid to the City Clerk along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid utility charges be certified against the real property as follows:

1. Parcel No. 95-003-0130
Located at 809 Lake Avenue NW \$258.68
Described as Section 15, Township 119, Range 35, Block 2
WILLMAR, TOWN OF (ORIGINAL)
Part of Lots 1 & 2: Beginning at Northwest Corner of Lot 1,
Thence East 61.5 feet South to a Point 62.4 feet from Southwest
Corner of Lot 2, Thence West 62.4 feet North to Beginning
2. Parcel No. 95-003-0320
Located at 918 Gorton Avenue NW \$2,401.47
Described as Section 15, Township 119, Range 35, Block 3
WILLMAR, TOWN OF (ORIGINAL)
Lot 7 Except East 50 feet & South Half of Lot 8 Except East 50 feet
3. Parcel No. 95-003-2080
Located at 102 6th Street SW \$240.59
Described as Section 15, Township 119, Range 35, Block 21
WILLMAR, TOWN OF (ORIGINAL)
East 7 feet of North 82 feet of Lot 4 and Part of Lots 1, 2 & 3 as Follows:
Commencing at Northeast Corner of Lot 1, Thence South 80.75 feet Thence West
to West Line of Lot 3, Thence North to Northwest Corner of Lot 3, Thence 75 feet to
Point of Beginning.
4. Parcel No. 95-003-3310
Located at 431 & 433 #1, Benson Avenue SW \$196.81
Described as Section 15, Township 119, Range 35, Block 30
WILLMAR, TOWN OF (ORIGINAL)
North Half of Lot 9 Except West 6 inches

5.	Parcel No. 95-006-1730 Located at 601 3 rd Street SW Described as Section 15, Township 119, Range 35, Block 68 <i>FIRST ADDITION TO THE CITY OF WILLMAR</i> <i>West 100 feet of Lot 14</i>	\$912.22
6.	Parcel No. 95-006-1790 Located at 304 Monongalia Avenue SW Described as Section 15, Township 119, Range 35, Block 69 <i>FIRST ADDITION TO THE CITY OF WILLMAR</i> <i>Lot 7 & South Half of Lot 6, The East 14 feet of Lot 8, & the East 14 feet of South 12.5 feet of Lot 9</i>	\$835.33
7.	Parcel No. 95-006-2200 Located at 616 Monongalia Avenue SW Described as Section 15, Township 119, Range 35, Block 72 <i>FIRST ADDITION TO THE CITY OF WILLMAR</i> <i>East 75 feet of Lots 8, 9 & 10</i>	\$302.25
8.	Parcel No. 95-006-3370 Located at 728 7 th Street SW Described as Section 15, Township 119, Range 35, Lot 7, Block 80 <i>FIRST ADDITION TO THE CITY OF WILLMAR</i>	\$564.84
9.	Parcel No. 95-006-3990 Located at 714 2 nd Street SW Described as Section 15, Township 119, Range 35, Block 85 <i>FIRST ADDITION TO THE CITY OF WILLMAR</i> <i>Lot 4 & North 17 feet of Lot 5</i>	\$2889.62
10.	Parcel No. 95-006-7120 Located at 1223 Becker Avenue SW Described as Section 15, Township 119, Range 35, Block 110 <i>FIRST ADDITION TO THE CITY OF WILLMAR</i> <i>West 50 feet of Lots 12, 13 & 14</i>	\$375.23
11.	Parcel No. 95-015-0320 Located at 408 14 th Street SW Described as Section 15, Township 119, Range 35, Lot 3, Block 3 <i>FOURTH RAILROAD ADDITION TO THE VILLAGE OF WILLMAR</i> <i>And the East Half of Vacated Alley Adjacent to Lot 3</i>	\$405.07
12.	Parcel No. 95-050-0130 Located at 709 11 th Street NW Described as Section 10, Township 119, Range 35, Lot 3, Block 2 <i>BEASLEY'S FIRST ADDITION</i>	\$666.80
13.	Parcel No. 95-080-0050 Located at 1428 Willmar Avenue SW Described as Section 15, Township 119, Range 35, Block 1 <i>BON-VAN ACRES</i> <i>Lot 5 Except North 10 feet</i>	\$289.15

14.	Parcel No. 95-090-0470 Located at 824 5 th Street SW Described as Section 15, Township 119, Range 35, Lot 7 <i>BOOTH'S ADDITION TO WILLMAR</i> <i>Block D</i>	\$216.13
15.	Parcel No. 95-090-1490 Located at 1017 7 th Street SW Described as Section 15, Township 119, Range 35 <i>BOOTH'S ADDITION TO WILLMAR</i> <i>Block K Lot 10 Except North 5 feet; Northerly Half of Lot 9</i>	\$484.47
16.	Parcel No. 95-220-0540 Located at 206 Bernard Street SE Described as Section 14, Township 119, Range 35, Block 5 <i>FERRING'S ADDITION TO THE CITY OF WILLMAR</i> <i>South Half of Lot 3, South Half of East Half of Lot 2</i>	\$1,966.28
17.	Parcel No. 95-222-1220 Located at 704 Minnesota Avenue SE Described as Block 7 <i>FERRING'S 2ND ADDITION</i> <i>Westerly 50 feet of Easterly 100 feet of Lots 1, 2 & 3</i>	\$512.39
18.	Parcel No. 95-230-0355 Located at 803 11½ Avenue SE Described as Section 14, Township 119, Range 35, Block 2 <i>GESCH ADDITION</i> <i>Lot 15 Except Westerly 80 feet; & Lot 16 Except Easterly 76 feet</i>	\$535.23
19.	Parcel No. 95-250-0990 Located at 208 Augusta Avenue SE Described as Section 14, Township 119, Range 35, Block 5 <i>GLARUM'S ADDITION TO WILLMAR</i> <i>Subdivision of Lot B of Block 5 East 75 feet of Lots 19 & 20</i>	\$649.56
20.	Parcel No. 95-370-0020 Located at 305 6 th Street SE Described as Section 14, Township 119, Range 35 <i>HONG & KILAND'S ADDITION TO WILLMAR</i> <i>Southerly 47 feet of Lot 1</i>	\$512.39
21.	Parcel No. 95-390-0400 Located at 1405 12 th Avenue NE Described as Section 11, Township 119, Range 35, Block 3 <i>IVERSON PARK</i> <i>Lot 8 & West 35 feet of Lot 7</i>	\$784.05
22.	Parcel No. 95-510-0300 Located at 1304 17 th Street SW Described as Section 21, Township 119, Range 35, Lot 8, Block 3 <i>MOLENAAR'S ADDITION TO THE CITY OF WILLMAR</i>	\$267.81

23.	Parcel No. 95-540-0010 Located at 804 Olaf Avenue NW <i>ERIK NILSONS ADDITION TO THE VILLAGE OF WILLMAR (NELSON'S ADDITION TO THE VILLAGE OF WILLMAR) West 71 feet of Lot 1, Block 1 of Nelson's Addition and West 71 feet of South 3 feet of Lot 2, Block 3, Thorpe & Lien's Addition</i>	\$484.47
24.	Parcel No. 95-630-0770 Located at 407 Litchfield Avenue SE Described as Section 14, Township 119, Range 35, Block 4 <i>PAULSON & SUNDE'S SUBDIVISION OF LOT D EASTERN ADDITION TO WILLMAR (E BOOK) Lot 17 Except East 4 feet</i>	\$1,113.19
25.	Parcel No. 95-660-0070 Located at 717 Augusta Avenue SE Described as Section 14, Township 119, Range 35, Lot 7, Block 1 <i>PERKINS' FIRST ADDITION TO THE CITY OF WILLMAR</i>	\$228.04
26.	Parcel No. 95-662-0240 Located at 819 Olena Avenue SE Described as Section 14, Township 119, Range 35, Lot 24, Block 1 <i>PERKINS' SECOND ADDITION TO THE CITY OF WILLMAR</i>	\$512.39
27.	Parcel No. 95-671-0460 Located at 1501 9 th Street SE Described as Section 23, Township 119, Range 35, Block 3 <i>PLEASANT VIEW SECOND ADDITION Lot 16 Except Northerly 48.26 feet Thereof and Also Except Southeasterly 20.30 feet of Lot 16 Parcel C</i>	\$1,363.17
28.	Parcel No. 95-684-0430 Located at 709 27 th Avenue SW Described as Section 22, Township 119, Range 35, Lot 3, Block 4 <i>PORTLAND ACRES FOURTH ADDITION TO THE CITY OF WILLMAR</i>	\$465.40
29.	Parcel No. 95-730-0830 Located at 208 Hawaii Street NE Described as Section 11, Township 119, Range 35, Lot 13, Block 6 <i>SPERRY'S ADDITION TO THE VILLAGE OF WILLMAR</i>	\$690.54
30.	Parcel No. 95-730-1130 Located at 213 Hawaii Street NE Described as Section 11, Township 119, Range 35, Lot 3, Block 8 <i>SPERRY'S ADDITION TO THE VILLAGE OF WILLMAR</i>	\$707.91
31.	Parcel No. 95-740-1630 Located at 609 4 th Street SE Described as Section 14, Township 119, Range 35, Block 11 <i>SPICER'S ADDITION TO WILLMAR Lots 3 & 12</i>	\$1,124.47
32.	Parcel No. 95-740-2100 Located at 613 2 nd Street SE	\$244.34

- Described as Section 14, Township 119, Range 35, Block 13
SPICER'S ADDITION TO WILLMAR
North 30 feet of Lot 10 Except That Part Described as Follows
Commencing at a Point on East Line of Said Lot 10 Which is 20 feet
North of Southeast corner, Thence Northerly 3 feet, Thence
Southwesterly on a Straight Line to a Point on the West Line of
Said Lot 10 Which is 20 feet Northerly of Southwest Corner of
Said Lot 10, Thence Easterly to Point of Beginning; South 40 feet
of Lot 11
33. Parcel No. 95-780-1120
 Located at 700 15th Avenue SW \$1,287.93
 Described as Section 22, Township 119, Range 35, Block 5
SUNNYSIDE
Lots 12, 13 & 14
34. Parcel No. 95-820-0680
 Located at 800 Ella Avenue NW \$1,054.82
 Described as Section 10, Township 119, Range 35, Block 4
THORPE & LIEN'S ADDITION TO THE CITY OF WILLMAR
Part of Lot 2: Beginning 260 feet East from Southwest Corner of Lot 2,
North 200 feet, East 65 feet, South 200 feet, West 65 feet
35. Parcel No. 95-860-0100
 Located at 1225 16th Street SW \$363.88
 Described as Section 21, Township 119, Range 35, Lot 10, Block 1
WEST PARK 1ST ADDITION
36. Parcel No. 95-914-1150
 Located at 1005 Hwy 12 E \$642.72
 Described as Section 14, Township 119, Range 35
Part of Northwest Quarter of Northeast Quarter Described as Follows:
Beginning at Point 215 feet South & 437 feet East of Northwest Corner
of Northeast Quarter; Thence South 89 Degrees 53 feet 22 inches East,
Parallel to North Line of Northeast Quarter 101 feet; Thence South
Parallel with West Line of Northeast Quarter 113.93 feet to its Intersection
with Northerly Right-of-Way Line of US Hwy 12; Thence Southwesterly
Along Last Right-of-Way Line 101.55 feet to its Intersection with Line
Bearing South from Point of Beginning; Thence North Along Said Line
124.68 feet to Point of Beginning
37. Parcel No. 95-914-1957
 Located at 1009 Highway 12 E \$633.34
 Described as Section 14, Township 119, Range 35
That Part of Northwest Quarter of Northeast Quarter Described as
Follows: Beginning at Point 235 feet South & 538 feet East of
Northwest Corner of Northeast Quarter; Thence South 89 Degrees
53 feet 22 inches East Parallel to North Line of Northeast Quarter
40 feet; Thence South Parallel with West Line of Northeast Quarter
89.70 feet to its Intersection with Northerly Right-of-Way Line of
US Hwy 12; Thence Southwesterly along said Right-of-Way Line
40.21 feet to its Intersection with Line Bearing South from Point
of Beginning; Thence North Along Said Line 93.93 feet to Point
of Beginning

38. Parcel No. 95-914-2000
 Located at 205 6th Street SE \$1,097.65
 Described as Section 14, Township 119, Range 35
That Part of Block A Described as Follows: Beginning at the Northwest Corner of Lot 1, Block 1 Ferring's Addition, Thence East 58.50 feet, Thence North 14 feet, Thence Easterly 100 feet, Thence South 10 feet to Northwest Corner of Lot 5, Block 1, Ferring's Addition, Thence East 150 feet to Northeast Corner of Lot 7, Block 1, Thence North 55 feet, Thence Westerly 154.30 feet to a Point on Line with the East Line of Lot 4, Block 1 & 55 feet North of Northeast Corner of Said Lot 4, Thence West 139.40 feet to a Point on East Line of Bertha (NKA 6th Street SE) & 77 feet North of Northwest Corner of Said Block 1, Thence South 77 feet to Point of Beginning, Except That Part Lying Easterly of Northerly Extension of West Line of Lot 5, Block 1, Ferring's Addition
39. Parcel No. 95-914-2400 \$409.06
 Located at 1010 Hwy 12 E
 Described as Section 14, Township 119, Range 35
Part of Swenson's Outlot Commencing 501 feet, South & 293 feet, East of Quarter Section Corner Common to Section 11 & 14 Thence East 200 feet Thence South 173 feet, West 50 feet, North 50 feet, West 150 feet, North 123 feet to Beginning Except the Right-of-Way
40. Parcel No. 95-922-6140 \$1,106.45
 Located at 1805 7th Street SW
 Described as Section 22, Township 119, Range 35
Part Southwest Quarter of Northeast Quarter: Commencing at a Point on East Line of Southwest Quarter of Northeast Quarter Distant 297 feet North from Southeast Corner Thereof, Thence West at Right Angle 193 feet to Place of Beginning, Thence Continuing Along the Same Course 107 feet to Point on East Line of 7th Street Thence North 99 feet, Thence East 107 feet, Thence South 99 feet to Point of Beginning
41. Parcel No. 95-922-6290 \$670.60
 Located at 1804 7 ½ Street SW
 Described as Section 22, Township 119, Range 35
Part Southwest Quarter of Northeast Quarter: Commencing 413.5 feet North & 633.76 feet East of Center of Section 22, Thence West 129.3 feet Thence South 117.6 feet, Thence East 129.3 feet, Thence North 117.6 feet, to Point of Beginning
42. Parcel No. 95-980-0670 \$206.74
 Located at 401 30th Street E-2 NW
 Described as Section 08, Township 119, Range 35
*E19910341A 1979 Revere Detroit
 Regency West E-2, 16x66, white/brown*
43. Parcel No. 95-980-5150 \$1,104.18
 Located at 1400 Lakeland Drive #15 NE
 Described as Section 12, Township 119, Range 35
*5MY143810V 2016 Friendship
 Northland Square #15, 16x76*
44. Parcel No. 95-980-5490 \$821.75
 Located at 1400 Lakeland Drive #49 NE

Described as Section 12, Township 119, Range 35
R242192AB 1990 Schult
Northland Square #49, 28x40, Gray/Red/Black

45. Parcel No. 95-980-6340
Located at 1400 Lakeland Drive #94 NE \$1,091.37
Described as Section 12, Township 119, Range 35
MY1637265V 2016 Friendship
Northland Square #94, 16x80, Tan/White

Dated this 1st day of November 2021.

/s/ Marv Calvin
Mayor

Attest:

/s/ Judy Thompson
City Clerk

RESOLUTION NO. 2021-217

A RESOLUTION ACCEPTING PROJECT NO. 2003-A AND AUTHORIZING FINAL PAYMENT.

Motion By: Plowman

Second By: Fagerlie

IMPROVEMENT: Project No. 2003-A– 1st Street South Overlay

CONTRACTOR:	Duininck, Inc.
DATE OF CONTRACT:	May 18, 2020
BEGIN WORK:	June 12, 2020
COMPLETE WORK:	September 10, 2021
APPROVE, ENGINEERING DEPT:	October 25, 2021

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 2003-A be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$693,793.10
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$693,793.10
CHANGE ORDER NO. 1:	\$21,250.00
CHANGE ORDER NO. 2:	\$100.00
CHANGE ORDER NO. 3:	\$29,465.40
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$667,539.49

Less Previous Payments

\$660,864.10

FINAL PAYMENT DUE CONTRACTOR:

\$6,675.39

Dated this 1st day of November, 2021

/s/ Marv Calvin
Mayor

Attest:

/s/ Judy Thompson
City Clerk

RESOLUTION NO. 2021-218

A RESOLUTION APPROVING THE MINOR SUBDIVISION OF BLOCK 25

Motion By: Fagerlie

Second By: Davis

BE IT RESOLVED by the City Council of the City of Willmar to approve the minor subdivision of Block 25 to allow for the construction of a 57-unit, 4 story loft style multi-family housing development.

/s/ Marv Calvin
MAYOR

Attest:

/s/ Judy Thompson
CITY CLERK

RESOLUTION NO. 2021-219

**A RESOLUTION BY MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA
ESTABLISHING A NEW POLLING PLACE FOR WARD 4, PRECINCT 3 IN THE CITY OF WILLMAR**

Motion By: Fagerlie

Second By: Nelsen

WHEREAS, Precincts are the basic geographical areas for organizing and administering elections; and

WHEREAS, The City Council has previously established three polling locations in each of the City's four wards; and

WHEREAS, Pursuant to Minn. Stat. § 204B.16, the City has the authority to designate polling places by ordinance or resolution; and

WHEREAS, The City has previously used the Redeemer Lutheran Church at 1401 Southwest 6th Street in the City as the polling place for Ward 4, Precinct 3; and

WHEREAS, Upon reviewing available facilities, City staff has recommended changing the polling place for Ward 4, Precinct 3 to the First Covenant Church at 801 Willmar Avenue Southwest in the City due to its superior space and parking.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. Pursuant to Minn. Stat. § 204B.16, Subd. 1, the polling place for Wilmar Ward 4, Precinct 3 is designated as the First Covenant Church at 801 Willmar Avenue Southwest in the City.
2. The Change in the polling place designated for Ward 4, Precinct 3 in Paragraph 1 shall be incorporated into the list of all polling places in the City to be designated by Resolution of the City Council on or before December 31, 2021.
3. The polling place designated in this Resolution shall be used for Ward 4, Precinct 3 until such time as the City Council designates a new polling place for said precinct, and no other location shall be used as a polling place unless a condition listed in Minn. Stat. § 204B.16, Subd. 1 (1) through (3) is present, or unless otherwise allowed by law.
4. The City Clerk shall deliver notice to all households affected by this Resolution in the manner required by Minn. Stat. § 204B.16, Subd. 1a.

Dated this 1st day of November 2021.

/s/ Marv Calvin
MAYOR

Attest:

/s/ Judy Thompson
CITY CLERK

RESOLUTION NO. 2021-220

A RESOLUTION ACCEPTING PROJECT NO. 2001-A AND AUTHORIZING FINAL PAYMENT.

Motion By: Nelsen

Second By: Plowman

IMPROVEMENT: Project No. 2001-A- 9th Street SE Reconstruction

CONTRACTOR:	Duininck, Inc.
DATE OF CONTRACT:	May 18, 2020
BEGIN WORK:	June 16, 2020
COMPLETE WORK:	October 14, 2021
APPROVE, ENGINEERING DEPT:	October 25, 2021

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 2001-A be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,319,801.25
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,319,801.25
CHANGE ORDER NO. 1:	\$18,193.00
CHANGE ORDER NO. 2:	\$5,780.50
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,306,701.64
Less Previous Payments	\$1,292,272.58
FINAL PAYMENT DUE CONTRACTOR:	\$14,429.06

Dated this 1st day of November, 2021

/s/ Marv Calvin
Mayor

Attest:

/s/ Judy Thompson
City Clerk

RESOLUTION NO. 2021-221

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA, APPROVING THE ESTABLISHMENT OF TAX INCREMENT FINANCING (REDEVELOPMENT) DISTRICT -- BLOCK 25 REDEVELOPMENT PROJECT WITHIN MUNICIPAL DEVELOPMENT DISTRICT NO. II; AND ADOPTION OF THE TAX INCREMENT FINANCING PLAN RELATING THERETO.

Motion By: Asmus Second By: Fagerlie

WHEREAS, the Willmar City Council ("Council") has heretofore established Municipal Development District No. II (the "Development District") and adopted a Development Program therefor pursuant to and in conformity with applicable law, including Minn. Stat. §§ 469.124 to 469.133 and 469.174 to 469.1794, all inclusive, as amended, (the "Act"); and

WHEREAS, the Council has received a Report on Structurally Substandard Building located at 200 Benson Avenue SW in the City of Willmar (Kandiyohi County Parcel No. 95-003-2630) (the "Designated Property"), within the Tax Increment Financing District, as defined below and the Development District, as defined below, which report is appended hereto as Appendix A; and

WHEREAS, the City has investigated the facts and caused to be prepared a tax increment financing plan for Tax Increment Financing District -- Block 25 Redevelopment Project (the "Tax Increment Financing District"), which plan is appended hereto as Appendix B (the "Tax Increment Financing Plan"); and

WHEREAS, the City has performed all actions required by law to be performed prior to the creation of the Tax Increment Financing District within the Development District, the adoption of the Tax Increment

Financing Plan relating thereto, including, but not limited to, notification of Kandiyohi County and Independent School District No. 347, having taxing jurisdiction over the property in the TIF District, a review of and written comment on the Tax Increment Financing Plan by the City of Willmar Planning Commission, and the holding of a public hearing upon published notice as required by law.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar as follows:

1. Designation of Structurally Substandard Building.

a. The Council has received from City Building Official Tom Rosemeier the “Report on Structurally Substandard Building,” dated October 6, 2021 (the “Inspection Report”) (appended to the Tax Increment Financing Plan), attached to the Tax Increment Financing Plan, finding that, based on an interior inspection of the building located on the Designated Property, the sole building located thereon was determined to be substandard under the definition set forth in the Minn. Stat. § 469.174, subd. 10 (the “Substandard Building”).

b. Based on the Inspection Report and other information available to the Council, the Council finds that: (i) the building located on the Designated Property is structurally substandard within the meaning of Minn. Stat. § 469.174, subd. 10(b), because it contains defects in structural elements or a combination of deficiencies in essential utilities and facilities, light and ventilation, fire protection including adequate egress, layout and condition of interior partitions, or similar factors which defects or deficiencies are of sufficient total significance to justify substantial renovation or clearance; (ii) that the building located on the Designated Property is not in compliance with the building code applicable to new buildings and could not be modified to satisfy the building code at a cost of less than 15 percent of the cost of constructing a new structure of the same square footage and type on the Designated Property; and (iii) more than 15 percent of the area of the tax parcel included in the Designated Property contains buildings, streets, utilities, paved or gravel parking lots, or similar structures. The reasons and supporting facts for this determination are included in, and the Council has relied on the finding set forth in, the Inspection Report.

2. Creation of Tax Increment Financing District – Block 25 Redevelopment Project within Municipal Development District No. II. The City hereby approves the establishment of the Tax Increment Financing District within the Development District, the boundaries of which are fixed and determined as described in the Tax Increment Financing Plan.

3. Tax Increment Financing Plan. The Tax Increment Financing Plan appended hereto is adopted as the tax increment financing plan for the Tax Increment Financing District, and the Council makes the following findings:

a. The Tax Increment Financing District is a Redevelopment District as defined in Minn. Stat. § 469.174, subd. 10, and satisfies the criteria set forth therein for these reasons:

- (1) Parcels comprising at least 70 percent of the area of the Tax Increment Financing District are occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures;
- (2) more than 50 percent of the buildings, not including outbuildings, are structurally substandard requiring substantial renovation or clearance; and
- (3) more than 15 percent of the area of each of the tax parcels included in the Tax Increment Financing District contains buildings, streets, utilities, paved or gravel parking lots, or similar structures.

b. The proposed redevelopment project is the development of an approximately 58-unit multifamily residential building, containing a mix of studio, one-bedroom, and two-bedroom units.

Additionally, the building will include the construction of approximately 47-units of structured parking as well as surface parking. A key component to the redevelopment is the reimbursement of TIF-eligible demolition, environmental remediation costs, site development, and utility improvements expenses through tax increments.

c. The proposed redevelopment project, in the opinion of the Council, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and therefore the use of tax increment financing is deemed necessary. This finding is based on the developer's representations that it would not undertake the proposed redevelopment without the financial assistance due to the increased cost associated with the redevelopment of the site, and the City's expectation, based in part on its prior ownership of a portion of the property located within the Tax Increment Financing District, that no significant reinvestment in the site would occur without assistance like that provided in this plan. Therefore, the City believes that the development would not occur but-for the use of tax increment assistance.

d. In accordance with Minn. Stat. § 469.175, Subd. 3(d), the City makes the following determinations:

- (1) The City's estimate of the amount by which the market value of the site will increase without the use of tax increment financing is \$0 (for the reasons described above), except some unknown amount of appreciation.
- (2) If the proposed development to be assisted with tax increment occurs in the District, the total increase in market value would be approximately \$4,764,600, including the value of the buildings (See Exhibit VI to the Tax Increment Financing Plan).
- (3) The present value of tax increments from the Tax Increment Financing District for the maximum duration of the district permitted by the TIF Plan is estimated to be \$704,868 (See Exhibit V to the Tax Increment Financing Plan).
- (4) Even if some development other than the proposed development were to occur, the City finds that no alternative would occur that would produce a market value increase greater than \$4,059,732 (the amount in subparagraph (2) less the amount in subparagraph (3) without tax increment assistance.

e. The TIF Plan would afford maximum opportunity, consistent with the sound needs of the City as a whole, for development of the Development District by private enterprise because the proposed redevelopment is the construction of a 58-unit multi-family building, in the Development District that (i) is expected to create substantial new tax base for the City and the State; and (ii) clearly meets the City's economic development goals in terms of land use, the removal of blight, the creation of housing, and the creation of jobs.

f. The Tax Increment Financing Plan conforms to the general plan for development of the City as a whole in that the Council has determined that the development proposed in the TIF Plan conforms to the City's comprehensive plan.

4. Public Purpose. The Council finds that the adoption of the Tax Increment Financing Plan conforms in all respects to the requirements of the Act and will provide the impetus for the development of marginal property in the City's central business district to beneficial private use and help fulfill a need in the community for high-quality housing opportunities for residents and workers in the City, and thereby serves a public purpose.

5. Certification. The Auditor of Kandiyohi County is requested to certify the original net tax capacity of the Tax Increment Financing District as described in the Tax Increment Financing Plan, and to certify in each year thereafter the amount by which the original net tax capacity has increased or decreased in accordance with the Act; and the Planning and Development Services Director is authorized and directed to

forthwith transmit this request to the County Auditor in such form and content as the Auditor may specify, together with a list of all properties within the Tax Increment District for which building permits have been issued during the 18 months immediately preceding the adoption of this Resolution.

6. Filing. The Planning and Development Services Director is further authorized to file a copy of the Tax Increment Financing Plan with the Commissioner of Revenue and the Office of the State Auditor pursuant to Minn. Stat. § 469.175, Subd. 4a.

Dated this 1st day of November, 2021

/s/ Marv Calvin
Mayor

Attest:

/s/ Judy Thompson
City Clerk

APPENDIX A
INSPECTION REPORT

Report on Structurally Substandard Building

Building location/address: 200 Benson Avenue SW Willmar, MN 56201

Step 1

Under the tax increment law, specifically, Minnesota Statutes, Section 469.174, Subdivision 10, a building is **structurally substandard** if it contains "defects in structural elements or a combination of deficiencies in essential utilities and facilities, light and ventilation, fire protection including adequate egress, layout and condition of interior partitions, or similar factors, which defects or deficiencies are of sufficient total significance to justify substantial renovation or clearance."

The above building, based upon actual interior inspection, meets the above-referenced definition of structurally substandard for the following reasons:

The building is not Accessible, it does not have an Accessible entrance, landing, lobby, bathroom, and no accessible parking. The building structure has been improperly altered, the exterior walls and siding are in poor repair. Awning on the exterior of the building has rotten structural members and is in danger of collapsing. Glazing next to entry door is not tempered. The interior has open electrical boxes, holes in walls, and ceiling, and ceiling panels missing. The ceiling in areas does not meet minimum height requirements. The plumbing is improperly installed and improper materials used. Interior doorways are not Accessible. The parking lot is in poor condition and there is not an Accessible route into the building.

Step 2

Notwithstanding the foregoing, the tax increment law also provides that a building may not be considered structurally substandard if it is in compliance with the building code applicable to new buildings or could be modified to satisfy the current building code at a cost of less than 15% of the cost of constructing a new building of the same square footage and type on the same site. The undersigned has calculated the cost of a new building of the same size and type to be **\$200,000** (B) and has also estimated that the cost of bringing the existing building up to current building code would be **\$75,000** (A). Therefore, since A divided by B is equal to or greater than .15, the existing building could not be brought up to current building code for less than 15% of the new building.

Date: October 6, 2001.



Tom Rosemeier, Building Official – City of Willmar

Note: Additional documentation and data may be attached as part of this report.

APPENDIX B
TAX INCREMENT FINANCING PLAN

RESOLUTION NO. 2021-222

**A RESOLUTION ADOPTING THE LAND PURCHASE AGREEMENT WITH
WILLMAR POULTRY INNOVATIONS, LLC**

Motion By: Ask

Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota that the Land Purchase Agreement with Willmar Poultry Innovations, LLC is accepted and approved, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to execute a version thereof.

Dated this 1st day of November, 2021

/s/ Marv Calvin
Mayor

Attest:

/s/ Judy Thompson
City Clerk

RESOLUTION NO. 2021-223

APPROVAL OF FUNDING FOR DOWNTOWN STREETLIGHT REPLACEMENT

Motion By: Davis

Second By: Plowman

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to permit the City to make \$578,600 in deferred payments to Willmar Municipal Utilities between 2022 and 2023 to fund the replacement of downtown streetlights.

Dated this 1st day of November, 2021.

/s/ Marv Calvin
MAYOR

Attest:

/s/ Leslie Valiant
CITY ADMINISTRATOR

RESOLUTION NO. 2021-224

**AUTHORIZATION TO EXECUTE AGREEMENT WITH AMBER SILVA
FOR WORKPLACE WELLNESS PROGRAM**

Motion By: Nelsen

Second By: Davis

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the City Administrator be authorized to enter into an agreement between the City of Willmar and Amber Silva to provide professional services in the development of a Workplace Wellness Program.

Dated this 1st day of November, 2021

/s/ Marv Calvin
MAYOR

Attest:

/s/ Judy Thompson
CITY CLERK